



**PARDALIS & NOHAVICKA, LLP**  
ATTORNEYS

April 27, 2023

**VIA ECF**

Hon. Jesse M. Furman  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Application GRANTED in part. Plaintiff's deadline to amend its complaint or oppose Defendant's motion to dismiss is hereby EXTENDED to **June 21, 2023**; Defendant's reply, if any, is due by **July 7, 2023**. If Plaintiff amends its complaint, the Court will set a new -- albeit expedited -- briefing schedule for any new motion to dismiss. The Clerk of Court is directed to terminate ECF No. 20. **SO ORDERED.**

Re: *Apollo Concrete, Inc. v. Peoplease, LLC*, Case Number: 23-cv-02335-JMF April 27, 2023

Dear Respected Judge Furman:

We represent plaintiff Apollo Concrete, Inc. in this action removed from the Supreme Court of the State of New York, New York County. We respectfully submit this letter motion, pursuant to Rules 2(E) and 4(A),(K) of Your Honor's Individual Rules and Practices in Civil Cases, seeking an extension of time to amend the complaint or oppose the defendant's motion to dismiss. This application is on consent of all parties and is consistent with a pre-motion briefing schedule the parties agreed to, as memorialized by defendant's counsel at the time defendant's Notice of Motion to dismiss was filed. [**Exhibit 1**].<sup>1</sup>

By Order issued earlier today, Your Honor directed plaintiff to submit an amended complaint, or oppose the defendant's motion to dismiss, on or before May 17, 2023. (ECF Doc. 19). It is respectfully requested that the extension of time sought herein - applicable to all parties- be granted, and that the pre-motion briefing schedule agreed to by the parties be adopted by the Court. Accordingly, it is respectfully requested that any amended pleading or plaintiff's opposition be due by June 21, 2023, with the defendant's reply by July 19, 2023.

---

<sup>1</sup>Upon removal of plaintiff's complaint to this Court, counsel for the parties met and conferred and reached an agreement for an extension of time for defendant to answer or move with respect to the complaint, and that a briefing schedule would be agreed to upon any prospective motion to dismiss. Consistent with that agreement, prior to defendant making its motion, the parties counsel again met and conferred and agreed to a briefing schedule.

In accordance with Your Honor's Rule 2(E):

- (1) the original date(s): May 17, 2023 for Plaintiff's amendment or opposition and May 24, 2023 for Defendant's reply;  
  
Proposed new dates: June 21, 2023 for Plaintiff's amendment or opposition and July 19, 2023 for Defendant's reply;
- (2)-(3) There have been no previous requests for the extensions of time sought herein;
- (4) There are multiple reasons for the requested extension. Firstly, the parties' attorneys are actively engaged in meaningful discussions aimed at an amicable resolution of the issues raised by plaintiff's complaint. It is hoped that the parties can reach an accord without the need to draft further papers, including amendments or briefs, which will help, in some part, to reduce the heavy burden on the Honorable Court, while conserving the plaintiff's limited financial resources. Second, the professional and personal commitments of counsel for the parties was taken into account when agreeing to and setting the briefing schedule;
- (5) This application is on consent and is made consistent with the pre-motion briefing schedule the parties' agreed to;
- (6) Your Honor adjourned the initial pre-trial conference scheduled for May 10, 2023 *sine die*. Accordingly, there are no other dates or deadlines that would be impacted by the extension of time sought herein.

It is therefore respectfully requested that the extension of time sought herein be granted..

Respectfully submitted,

/s/ Todd B. Sherman

Todd B. Sherman (TS 4031)

cc:  
All counsel via ECF